

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

LAWRENCE RUPERT SMITH,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Warden WILLIAM M. TERRY, <i>et al.</i> ,	:	NO. 5:10-CV-24 (MTT)
	:	
Defendants	:	<u>ORDER</u>

Plaintiff **LAWRENCE RUPERT SMITH** has filed a motion to proceed *in forma pauperis* on appeal from the Court's order accepting Magistrate Judge Claude W. Hicks's recommendation that the plaintiff's claims be dismissed. The reason for dismissal of this case was plaintiff's failure to fully exhaust administrative remedies prior to asserting his claims against the defendants, pursuant to 42 U.S.C. § 1997e(a). In the Court's best judgment, an appeal from that order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3).

Accordingly, having been carefully considered, plaintiff's motion to proceed *in forma pauperis* on appeal is hereby **DENIED**.

SO ORDERED, this 1st day of October, 2010.

s/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT